



**IT IS ORDERED as set forth below:**

**Date: April 27, 2023**

A handwritten signature in blue ink, reading "Sage M. Sigler".

**Sage M. Sigler**  
**U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re:

**JENNIFER LAVETTE BRYANT,**

Debtor.

CASE NUMBER

**12-56193-SMS**

CHAPTER 7

**ORDER**

An *Application for Payment of Unclaimed Funds* (the "Application," Doc. 459) was filed on January 17, 2023 in the above-captioned case by someone purporting to be Julie Pendleton, an attorney at the law firm Lasher Holzapfel Sperry & Ebberson PLLC. The Application was filed on behalf of Jennifer Lavette Bryant ("Debtor") pursuant to an *Assignment of Interest in Unclaimed Funds* (the "Assignment") and a *Limited Power of Attorney* (the "POA") ostensibly executed by Debtor and Ms. Pendleton on January 3, 2023.

The Clerk of Court holds Debtor's surplus funds that the Chapter 7 Trustee deposited after being unable to remit the funds to Debtor (Doc. 452). Accordingly, these funds belong to Debtor. A bankruptcy court has a duty to ensure that unclaimed funds are paid to the "rightful owners"

upon "full proof of the right thereto." 28 U.S.C. §§ 2041, 2042; *see In re Pena*, 456 B.R. 451, 453 (Bankr. E.D. Cal. 2011).

The Court noticed a striking similarity between the Application and an application filed in the bankruptcy case of Manuel Saile Ybanez, II, case no. 16-02182 in the Eastern District of Washington. There, a person purporting to be attorney Julie Pendleton with Lasher Holzapfel Sperry & Ebberson PLLC filed an application on behalf of Mr. Ybanez, which the bankruptcy court denied after hearing. The court noted in its denial several deficiencies: (i) the driver's license photo attached to the application and purportedly that of Julie Pendleton does not resemble Ms. Pendleton's likeness on her firm's website; (ii) the email address used in the application has inconsistent capitalization throughout; (iii) the supporting documents do not use Lasher Holzapfel Sperry & Ebberson PLLC's letterhead and contain two misspellings of the firm's name in various locations ("Holzapel" and "Sperry"); (iv) the limited power of attorney attached to the application labels the law firm as an LLC rather than a PLLC; and (v) the notary stamp on the power of attorney appears to be fraudulent. Order Denying Application for Payment of Unclaimed Funds at 3-4, *In re: Ybanez*, 16-02182-FPC13 (Bankr. E.D. Wash. Feb. 22, 2023, Doc. 119).

This Court noticed the same irregularities here with the Application, Assignment, and POA, as well as the use of a gmail.com email address for Ms. Pendleton in the Application rather than her firm email. The Court also noted the unusuality of a debtor in Georgia seeking the services of an attorney in Washington, who is not barred in Georgia, to represent her in seeking unclaimed funds.

The Court held a hearing on the Application on April 19, 2023 (the "Hearing"). The actual Julie Pendleton of Lasher Holzapfel Sperry & Ebberson PLLC appeared at the Hearing and stated that she has not met Debtor, does not practice consumer bankruptcy law, and that she neither filed

the Application nor executed the Assignment and POA. Debtor also appeared at the Hearing and did not oppose denial of the Application.

The Application appears to be fraudulent. Whoever filed the Application may face criminal liability for their fraud under 18 U.S.C. §§ 152(3), 152(6), 1028, 1341, 1342, and 1621(2). Although the Bankruptcy Court does not undertake criminal investigations into fraudulent activity of this nature, the Court will refer the matter to the United States Attorney and the United States Trustee for their consideration. Therefore, it is

**ORDERED** that the Application is **DENIED**.

**END OF DOCUMENT**

**Distribution List**

Jennifer Lavette Bryant  
PO Box 191431  
Atlanta, GA 31119

David S. Weidenbaum  
Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
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Julie Pendleton  
601 Union St. #2600  
Seattle, WA 98101

United States Bankruptcy Court  
Northern District of Georgia

In re:  
Jennifer Lavette Bryant  
Debtor

Case No. 12-56193-sms  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 113E-9  
Date Rcvd: Apr 27, 2023

User: bncadmin  
Form ID: pdf439

Page 1 of 3  
Total Noticed: 6

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 29, 2023:

Recip ID	Recipient Name and Address
db	+ Jennifer Lavette Bryant, PO Box 191431, Atlanta, GA 31119-1431
aty	+ Jason L. Pettie, P.C., Suite 150, 150 E Ponce de Leon Ave, Decatur, GA 30030-2566
intp	+ Julie Pendleton, 601 Union Street, Seattle, WA 98101-2341
	+ Julie Pendleton, 601 Union St. #2600, Seattle, WA 98101-2302
	Vivieon K. Jones, Office of the US Attorney, Richard B. Russell Federal Bldg, 75 Ted Turner Dr. SW, Suite 600, Atlanta, GA 30303-3309

TOTAL: 5

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: ustregion21.at.ecf@usdoj.gov	Apr 27 2023 20:20:00	David S. Weidenbaum, Office of the US Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3330

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
*+		Jennifer Lavette Bryant, PO Box 191431, Atlanta, GA 31119-1431

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 29, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 27, 2023 at the address(es) listed below:

Name	Email Address
A. Michelle Hart Ippoliti	

District/off: 113E-9  
Date Rcvd: Apr 27, 2023

User: bncadmin  
Form ID: pdf439

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Total Noticed: 6

on behalf of Creditor SunTrust Mortgage Inc. michelle.ippoliti@mccalla.com,  
bankruptcyecfmail@mccalla.com;mccallaecf@ecf.courtdrive.com

A. Michelle Hart Ippoliti

on behalf of Creditor Bayview Loan Servicing LLC bankruptcyecfmail@mccalla.com;Michelle.ippoliti@mccalla.com

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on behalf of Creditor The Oaks at Buckhead Condominium Association Inc. bankruptcy@nowackhoward.com

Lisa F. Caplan

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Lisa F. Caplan

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on behalf of Interested Party Ville de Vista Homeowners Association Inc. prosenblatt@kilpatricktownsend.com

Paul M. Rosenblatt

on behalf of Interested Party M. Andrew Kauss and Rosanne Kauss prosenblatt@kilpatricktownsend.com

R. Brian Wooldridge

on behalf of Creditor The Bank of New York Mellon bwool@mwklaw.org mwklaw@mwklaw.org

Robert A. Luskin

on behalf of Defendant The Habersham of Buckhead Unit Owners Association Inc. rluskin@gmlj.com

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SunTrust Bank

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Travis E. Menk

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District/off: 113E-9

User: bncadmin

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[gabkr@brockandscott.com](mailto:gabkr@brockandscott.com); [wbecf@brockandscott.com](mailto:wbecf@brockandscott.com)

TOTAL: 25